

The Appeals Board agrees with the finding that the trip had a dual purpose. We do not agree, however, that the claimant had deviated from the business purpose at the time

of the accident. It appears that at the time of the accident, he remained on a trip that had a dual purpose, including the business purpose. Although we find no Kansas case directly on point, it appears the majority of the Courts hold that an injury occurring in the course of a dual-purpose trip should be considered compensable if the evidence establishes that the trip would have been necessary for business purposes even if the personal purpose for the trip had not existed. 1 Larson's Workmen's Compensation Law §18.20 (1995). From our review of the record, it appears that the trip would have been necessary solely for business purposes even if the trip had not also served a personal purpose. Therefore, the Appeals Board finds that the injuries claimant suffered should be considered compensable. The claim is remanded to the Administrative Law Judge for a determination regarding what temporary total disability and medical benefits, if any, should be awarded.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge Alvin E. Witwer, dated September 18, 1995, should be, and the same is hereby, reversed. The claim is being remanded for a decision regarding temporary total disability benefits to be awarded, if any. The claim is also remanded for determination regarding what, if any, medical care should be provided.

IT IS SO ORDERED.

Dated this ____ day of December 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: John G. O'Connor, Kansas City, Kansas
Rex W. Henoch, Lenexa, Kansas
Alvin E. Witwer, Administrative Law Judge
Philip S. Harness, Director